

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THEORDORA AMMAMOO,

Plaintiff,

v.

Civil Action File No.

WAL-MART STORES EAST, LP.,
and ELPF HOWELL MILL LLC

Defendants.

_____ /

NOTICE OF REMOVAL

COME NOW WAL-MART STORES EAST, LP, a named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendants WAL-MART STORES EAST, LP and ELPF HOWELL MILL LLC in the State Court of Cobb County, Georgia, which is within the Atlanta Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 22-A-1338. (See generally Complaint, a copy of which is included in attached

Exhibit A). Plaintiff's claims against Defendants include claims of negligence. (See generally Complaint).

2.

Plaintiff first filed suit in the State Court of Cobb County, Georgia, on April 21, 2022 - hereinafter referred to as the "Cobb County Suit". (See generally Complaint)

3.

Defendant WAL-MART STORES EAST, LP was served with a copy of the Summons and Complaint in the Cobb County Suit on April 27, 2022. (See Affidavit of Service, a copy of which is attached hereto as Exhibit B). Defendant WAL-MART STORES EAST, LP has filed this notice of Removal within thirty (30) days of service in the Cobb County Suit.

4.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is WALMART INC. WALMART INC. is a Delaware corporation with its principal place of business in the State of Arkansas,

and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas 72201. (See Complaint, ¶ 2; See also Georgia Secretary of State and Delaware Secretary of State documents, a copy of which is attached hereto as Exhibit “C”).

5.

Plaintiff’s complaint also names as a Defendant ELPF HOWELL MILL LLC, which is alleged to be a foreign limited liability company doing business in Georgia. (See Complaint, ¶ 2). As of the time of the filing of this Notice of Removal, Defendant ELPF HOWELL MILL LLC has been served with a copy of the Summons and Complaint in the Cobb County Suit but has not filed an Answer.

6.

Plaintiff THEORDORA AMMAMOO has alleged that she is a citizen of the State of Georgia. (See Complaint, ¶ 1).

7.

Complete diversity of citizenship exists between Plaintiff and Defendants.

8.

Plaintiff claims personal injury from a scooter-related falling incident and seeks general and special damages, including past medical expenses. In her Complaint, Plaintiff alleges that her past medical expenses are in excess of \$90,000.00. Thus, it is facially apparent from the Complaint that the amount in controversy, exclusive of interest and costs, exceeds \$75,000. (See Complaint, ¶¶ 4-9, 14).

9.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

10.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as Exhibit "D" copies of all the pleadings that were provided to and served upon Defendants, including copies of all pleadings that have been filed to date in the State Court of Cobb County, Georgia for the above- styled case.

11.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

12.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

13.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Cobb County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WAL-MART STORES EAST, LP, prays that the above- captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 25th day of May, 2022.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Steven R. Wilson
Rakhi D. McNeill
Georgia Bar No. 601029
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Georgia Bar No. 614233
*Attorneys for Wal-Mart Stores East
LP*

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5.1 CERTIFICATE OF COMPLIANCE

I hereby certify that this document was prepared in Times New Roman font,
14-point and complies with Local Rules 5.1(C), NDGa.

This 25th day of May, 2022.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Steven R. Wilson
Rakhi D. McNeill
Georgia Bar No. 6 1029
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Georgia Bar No. 614233
*Attorneys for Wal-Mart Stores East
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CERTIFICATE OF SERVICE

This is to certify that I have this day served electronically filed a ***NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record and upon all parties to this matter by United States mail, postage prepaid, and properly addressed as follows:

John A. Leslie
The Leslie Law Firm
288 Lawrence Street NE
Marietta, Georgia 30060
Attorney for Plaintiff

ELPF Howell Mill, LLC
c/o United Agent Group, Inc.
2985 Gordon Parkway
1st Floor
Marietta, Georgia 30066

This 25th day of May, 2022.

WALDON ADELMAN CASTILLA
HIESTAND & PROUT

/s/ Steven R. Wilson
Rakhi D. McNeill
Georgia Bar No. 6 1029
Steven R. Wilson
Georgia Bar No. 614233
*Attorneys for Wal-Mart Stores East
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